THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17554 of 2006

ORDER:

It seems, the petitioner is doing the business of sale of petrol and HSD (diesel) in the name of Padma Highway Filling Station, Kanakalapet, Yanam, Union Territory of Pondicherry. He is also the owner of Truck Tanker bearing No.AP 31 W 1127. On 17.8.2006, he sent the Tanker to fetch petrol and diesel from the IOC terminal at Visakhapatnam. After taking delivery of the petrol and diesel, in the return journey, on 18.8.2006 at Kakinada, as the Driver felt that the diesel is insufficient to go to yanam, he went to S.V.L.N.Swamy Agencies Petrol Pump, Kakinada for the purpose of filling up the tank and when he got down from the truck, the first respondent and others, who came for inspection of the said Petrol Pump, surprisingly seized the petitioner's tanker on the ground that the petitioner's tanker is delivering the diesel and petrol to the said Petrol Pump and conducted a panchanama and initiated proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act').

The learned counsel for petitioner states that the grounds of seizure furnished in the panchanama show that VAT was not paid and the petitioner was trying to divert the oil, therefore, initiated proceedings under Section 6-A of the Act. According to the learned counsel for the petitioner, the first respondent, who conducted panchanama, has no authority to verify the VAT receipt and he cannot seize the goods. In fact, neither there was any violation of the conditions of licence held by the petitioner for conducting such business, nor the stocks were diverted to SVLN Swamy Agencies, Kakinada.

Be that as it may, since proceedings under Section 6-A of the Act are initiated and the matter is under enquiry, there is no necessity of

going into all the details.

However, the respondents are directed to release the Truck-tanker and the goods therein subject to the condition of petitioner furnishing third party security to the satisfaction of the first respondent for tanker as well as petrol and diesel. The petitioner shall also give an undertaking that he will not alienate the truck-tanker or create any third party encumbrance over the same during the pendency of proceedings under Section 6A of the Act before the appropriate authority.

With the above direction, the writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 23.8.2006

Note: Issue C.C. tomorrow.

B/o

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THE HON'BLE SRI JUSTICE C.V.RAMULU

23.8.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17554 of 2006

Dated: 23rd August, 2006

Between:

M.Venkata Suryanarayana Raju

.. Petitioner

and

The Mandal Revenue Officer,
Kakinada, East Godavari district & another.

.. Respondents